

REMARKS

This Amendment is submitted in response to the Office Action mailed on August 22, 2003. The Office Action rejects Claims 16-19 and 25-43. Claims 20-24 have been withdrawn as being drawn to a non-elected invention. Applicants have cancelled these claims without prejudice or disclaimer, reserving the right to file these claims in a divisional application.

Claims 16-19, 25-39, and 41-43 stand rejected as being anticipated by U.S. Patent No. 5,433,960 to *Meyers*. Applicants respectfully submit that this rejection is improper as a matter of fact and law. First, the claimed invention provides a **pullulan-free edible film** composition. *Meyers* discloses an edible film that coats a chewing gum. This edible film can include pullulan (see column 8, line 6). Therefore, if anything, *Meyers* teaches away from the claimed invention and does not anticipate nor even arguably render obvious same.

Furthermore, Applicants' claimed invention requires two specific film forming agents, cellulose and starch. *Meyers* fails to disclose the use of these two specific film forming agents but rather discloses a litany of different film forming agents stating that these agents can be used in combination. Never does *Meyers* disclose specifically the use of cellulose and starch as the film forming agents.

Further, the claimed edible film comprises, in addition to the two film-forming agents, and no pullulan, an effective amount of a bulk filler, an effective amount of a plasticizing agent. Nowhere has the Patent Office specifically referred to where these components are present in the edible film of *Meyers*. The Patent Office states that, in *Meyers*, bulk fillers can comprise 5 by 95 percent and plasticizers 5 to 15 percent. However, the Patent Office is referring to the chewing gum component of *Meyers* when it makes these statements. (See column 9, lines 18-22, and column 9, lines 26-29). Applicants respectfully request that if the Patent Office does not withdraw the rejection that it specifically identifies in *Meyers* where the components of **an edible film** where having the bulk filling agent and plasticizing agent are specifically met. The Patent Office citation to column 3 through column 14 does not specifically identify to the Applicants what portions of the reference are being utilized. Furthermore, Applicants respectfully suggest that the Patent Office focus on the film portion of *Meyers* as that is what is being claimed by Applicants, not a chewing gum.

Claim 40 stands rejected as being obvious in view of *Meyers* and *Zerbe*. With respect to *Zerbe*, which has been used in combination with *Meyers* to reject Claim 40, *Zerbe* does not

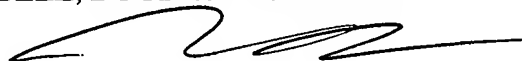
remedy the deficiencies of *Meyers* set forth above. Accordingly, Applicants respectfully submit that this rejection is not proper.

Therefore, Applicants respectfully request that the rejection of the claims as being anticipated or obvious be withdrawn as these rejections are not proper as a matter of law and fact.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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